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May 3, 2023

**BY ECF**

The Honorable Christian F. Hummel  
Northern District of New York

Re: *Doe et al., v. NYS OCFS, et al.*, 20 CV 1195 (BKS) (CFH)

Dear Judge Hummel:

I represent the plaintiffs in this action. I write in response to defense counsel's letter to the Court.

First, plaintiffs do not have any additional records or information to provide to the defendants. All records are in the custody, control and possession of the defendants or the respective state agencies. So, to suggest that plaintiffs are withholding discovery is misleading.

Second, plaintiffs' depositions were conducted in the parallel Court of Claims action and those transcripts were sent to defense counsel in this case. I informed him to review them and to notice plaintiffs' deposition, if he was so inclined. I even agreed to consent to an extension of the discovery deadline.

Third, at the request of the parties, the Court referred this matter to former judge Randy Treece for mediation. The case lingered there for several months and defendants refused to engage in a mediation despite having in their possession sworn testimonies of the two plaintiffs.

It is unfair to blame plaintiffs for defendants' lack of progress in discovery. Plaintiffs are prepared to move forward with trial. Defendants are not. The fault does not lie with the plaintiffs and pointing fingers accomplishes very little.

Thank you.

Respectfully,

/s  
Vik Pawar (VP9101)

Cc: Mr. Peter McDaniel, Esq.  
AAG